

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

HOWARD AVENUE STATION, LLC,

Appellant,

v.

Case No: 8:20-cv-2780-T-36

THOMAS ORTIZ and FRANK
KANE,

Appellees.

_____ /

ORDER

This matter comes before the Court upon Appellant's Motion to Consolidate Cases [Doc. 12], filed on January 22, 2021. In the motion, Appellant requests that the Court—pursuant to Federal Rule of Civil Procedure 42—consolidate this matter with the matter styled *Thomas Ortiz v. Howard Avenue Station, LLC, The Dubliner, Inc., Richard Campion, and Frank R. Kane*, Case No.: 8:20-cv-02879-210, also before this Court, as they involve common questions of law or fact. [Doc. 12 ¶¶ 1-2]. Upon consideration, the motion to consolidate is premature.

Discussion

Pursuant to Middle District Local Rule 1.04(b) “[i]f cases assigned to different judges are related because of either a common question of fact or any other prospective duplication in the prosecution or resolution of the cases, a party may move to transfer any related case to the judge assigned to the first-filed among the related cases.” That

rule lays out the procedure that a movant must follow in seeking relief. The Local Rules further provides that:

If cases assigned to a judge are related because of either a common question of law or fact or any other prospective duplication in the prosecution or resolution of the cases, a party may move to consolidate the cases for any or all purposes in accord with Rule 42.Fed.R.Civ.P., or Rule 13, Fed. R. Cr. P.

Local Rule 1.04(c). Here, Plaintiff has sought consolidation of the matters prior to requesting a transfer of the matter to the undersigned. As the Local Rules make clear, consolidation is proper where the cases sought to be consolidated are assigned to the same judge. *Id.* That is not the case at this time.

Accordingly, it is hereby **ORDERED AND ADJUDGED**:

1. Appellant's Motion to Consolidate Cases [Doc. 12] is **DENIED**, without prejudice, as premature. Appellant may move to transfer the matter styled *Thomas Ortiz v. Howard Avenue Station, LLC, The Dubliner, Inc., Richard Campion, and Frank R. Kane*, Case No.: 8:20-cv-02879-210 to the undersigned, then refile its motion to consolidate.

DONE AND ORDERED in Tampa, Florida on January 25, 2021.


Charlene Edwards Honeywell
United States District Judge

Copies to:
Counsel of Record and Unrepresented Parties, if any